

IN RE: PETITION FOR ZONING VARIANCE  
W/S Notchcliff Road, 900' S  
of Glen Arm Road  
(Lot 1 of Magsamen Property)  
11th Election District  
6th Councilmanic District  
Arthur Magsamen, et al  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1A04.3.B.3 to permit a street centerline setback of 50 feet in lieu of the required 75 feet and a side yard setback of 15 feet in lieu of the required 50 feet for a proposed dwelling on Lot 1, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Arthur Magsamen and Helen P. Magsamen, appeared and testified. Also appearing on behalf of the Petitioners was Bruce E. Doak with Gerhold, Cross and Etzel. There were no Protestants.

Testimony indicated that the subject property, known as Lot 1 of the Magsamen Property, consists of 1.697 acres, more or less, zoned R.C.5, and is presently unimproved. Said property is part of a larger tract owned by the Petitioners and is located on the west side of Notchcliff Road as shown on Petitioner's Exhibit 1. The Petitioners are desirous of developing Lot 1 with a one-story, single family dwelling for use as their retirement home. However, the topography of the land and narrow width of the lot dictate the location of the proposed dwelling as depicted on Petitioner's Exhibit 1, thereby necessitating the requested variances. Testimony indicated that the proposed improvements meet the density requirements set forth in the zoning regulations and to require strict compliance

with setback requirements would result in practical difficulty and unreasonable hardship for the Petitioners.

It should be noted that the Office of Planning submitted comments dated May 15, 1992 in which they recommended a denial of the relief requested, stating that the size of the proposed dwelling was too large for this site and that the hardship expressed by Petitioners was self-created. The Office of Planning also stated that the position of the house with its side facing Notchcliff Road would require landscaping. After a discussion with the Petitioners' engineer, it was agreed that the Petitioners would reduce the size of the proposed dwelling by 5 feet and reposition the house in accordance with Petitioner's Exhibit 1. The Office of Planning submitted revised comments dated June 2, 1992 in which they recommended approval of the requested variances based upon the reduced size of the proposed dwelling and its location on the subject lot. The Office of Planning further stated that inasmuch as the proposed dwelling will be situated higher than the road and not visible from the street, no landscaping will be required.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

ORDER RECEIVED FOR FILING  
Date 6/16/92  
By [Signature]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16<sup>th</sup> day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 to permit a street centerline setback of 50 feet in lieu of the required 75 feet and a side yard setback of 15 feet in lieu of the required 50 feet for a proposed

- 3 -

dwelling on Lot 1, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with all subdivision and development regulations.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/16/92  
By [Signature]

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 5/12/92  
Posted for: Var 12-92-0  
Petitioner: Arthur Magsamen & Mark Barry, et al  
Location of property: W/S Notchcliff Rd. 900' S of Glen Arm Rd.  
Location of Sign: Along Notchcliff Rd. property to be zoned  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 5/22/92  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/14, 1992  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/14, 1992

THE JEFFERSONIAN,

[Signature]  
Publisher

\$ 39.74

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 - Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 16, 1992

(410) 887-4386

Mr. Arthur Magsamen  
4817 Bart Allen Lane  
Baldwin, Maryland 21013

RE: PETITION FOR ZONING VARIANCE  
W/S Notchcliff Road, 900' S of Glen Arm Road  
(Lot 1 of Magsamen Property)  
11th Election District - 6th Councilmanic District  
Arthur Magsamen, et al - Petitioners  
Case No. 92-416-A

Dear Mr. Magsamen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

file



## Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at northwest side Notchcliff Road 900 feet south of Glen Arm Road which is presently zoned RCS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3-B-3, setback from centerline of street of 50 feet in lieu of required 75 feet and side yard setback of 15 feet in lieu of required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
The shape of the parcel of land is narrow and the topography is adverse, and adhering to required setbacks does not leave enough buildable area.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State Zip

Who do solemnly declare and affirm, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Arthur Magsamen Mark Barry

[Signature] [Signature]

Helen Magsamen Sandra L. Magsamen

[Signature] [Signature]

4817 Bart Allen Lane Phone No.

Baldwin Maryland 21013

City Address State Zip

Name Address Phone No.

Gerhold, Cross & Etzel

412 Delaware Ave. 823-4470

Address Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date: \_\_\_\_\_ Meet Two Months

ALL OTHER DATE

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING

Date 6/16/92

By [Signature]

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 5/04/92

PAID PER HAND-WRITTEN RECEIPT DATED 4/20/92

H5200486

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: MAGSAMEN/BARRY

Please Make Checks Payable To: Baltimore County

Cashier Validation

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 5/09/92

92-416

H5200486

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1 X	\$74.76
TOTAL:		\$74.76

LAST NAME OF OWNER: MAGSAMEN/BARRY

04A04#0127MICHRC  
BA C012#47PD06-09-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

**BALTIMORE COUNTY, MARYLAND**  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

Item 436

DATE: APRIL 20, 1992 ACCOUNT: R-001-6150

AMOUNT: \$85.00

RECEIVED FROM: M & H. PARTNERS

FOR: VARIANCE

MAGSAMEN  
BARRY

04A04#0127MICHRC  
BA C012#47PD06-09-92  
VALIDATION OR SIGNATURE OF CASHIER

85.00

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 5-27-92

Arthur Magsamen, et al  
4817 Bart Allen Lane  
Baldwin, Maryland 21013

RE:  
CASE NUMBER: 92-416-A  
W/S Notchcliff Road, 900' S of Glen Arm Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Arthur Magsamen, et al

Dear Petitioner(s):

Please be advised that \$ 74.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

MAY 6, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-416-A  
W/S Notchcliff Road, 900' S of Glen Arm Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Arthur Magsamen, et al  
HEARING: WEDNESDAY, JUNE 3, 1992 at 10:30 a.m.

Variance: to allow setback from centerline of street of 50 feet in lieu of the required 75 feet and a side yard setback of 15 feet in lieu of the required 50 feet.

Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: Arthur Magsamen, et al  
Gerbold, Cross & Etzel

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 27, 1992

Mr. & Mrs. Arthur Magsamen  
4817 Bart Allen Lane  
Baldwin, MD 21013

RE: Item No. 436, Case No. 92-416-A  
Petitioner: Arthur Magsamen, et ux  
Petition for Variance

Dear Mr. Magsamen:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: April 30, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

LEGAL OWNER: Arthur Magsamen 436

The proposed subdivision is subject to all the requirements of minor subdivision process.

Your petition has been received and accepted for filing this 20th day of April, 1992.

Arnold Jablon  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Arthur Magsamen, et ux  
Petitioner's Attorney:

**BUREAU OF TRAFFIC ENGINEERING**  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 30, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

LEGAL OWNER: Arthur Magsamen 436

The proposed subdivision is subject to all the requirements of minor subdivision process.

Rahee J. Famill  
Traffic Engineer II

RJF/dm

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: May 12, 1992

FROM: J. Lawrence Pilson

SUBJECT: Item 4 (LEO) - Arthur Magsamen, Mark Barry  
Helen Magsamen, Sandra Magsamen

The above-referenced matter has been reviewed by the Department of Environmental Protection and Resource Management. Comments are as follows:

Must comply with requirements of subdivision approval.

If you have any questions, please contact me at extension 2762.

J. Lawrence Pilson  
J. Lawrence Pilson, Development Coordinator  
Department of Environmental Protection and Resource Management

JLP:tjl

MAGRAMEN.ZON/TXTS8P



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MAY 7, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204RE: Property Owner: ARTHUR MAGSAMEN AND MARK BARRY AND HELEN  
MAGSAMEN AND SANDRA L. MAGSAMEN

Location: W/S NOTCHCLIFF ROAD

Item No.: (LEO) 436 Zoning Agenda: APRIL 27, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Robert W. Bowling Noted and  
Approved: Robert W. Bowling Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAY 11 1992  
ZONING OFFICEBALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCETO: Arnold Jablon, Director DATE: May 4, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for May 4, 1992  
Item for Magsamen Property (436)  
Notchcliff RoadThe Developers Engineering Division has reviewed  
the subject zoning item. This site is under review as a  
minor subdivision.The variance plan should be modified after the  
minor subdivision comments are made.Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:DAK:s

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature WPK Date 5/4/92

File Number	Waiver Number	Zoning Issue	Meeting Date
8100 Stevenson Road (Chizuk Amuno Congregation)	427	No Comments	4-20-92
STP RP			
7446 Berkshire Road	428	No Comments	
DEPRM RP (AT EIRD)			
Oella Parcel A, Lots 34-38; Parcel B, Lots 40-45; Parcel C-1, Lots 49-67	424	No Comments	
STP RP			
9928 York Road (Taco Bell)	423	No Comments	
VIII-609 (921262)			
DEPRM RP (AT EIRD)			

COUNT 8

2212 Maple Road		
DED DEPRM RP STP TE	435	No Comments
Magsamen Property (W/S Notchcliff Road)		
DED DEPRM RP STP TE	436	No Comments
3838 North Point Boulevard		
DED DEPRM RP STP TE	437	No Comments
14311 Old Hanover Road		
DED DEPRM RP STP TE	433	No Comments
1243 Lanover Road		
DED DEPRM RP STP TE	434	No Comments
1313-1315 York Road		
DED DEPRM RP STP TE	438	No Comments
8 Kelbark Court		
DED DEPRM RP STP TE	439	No Comments
1500 Glencoe Road - Oldfields School, Inc.		
CR-92-399-XA		

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

## MEMORANDUM

TO: Arnold Jablon  
Director - Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: May 15, 1992

SUBJECT: Magsamen Property

INFORMATION:  
Item Number: 436

Petitioner: Arthur &amp; Helen Magsamen

Property Size: 1.697

Zoning: RC 5

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:  
This petitioner is requesting a variance to allow a setback of 50' from the  
centerline of Notchcliff Road in lieu of the required 75' and a side yard setback  
of 15' in lieu of the required 50'.The Office of Planning and Zoning recommends DENIAL of the petitioners request.  
The way the proposed dwelling is shown on the plan, the side of the house will be  
facing a public right of way (Notchcliff Road). The Baltimore County landscape  
manual requires that when a dwelling's side or rear faces a public right of way  
then landscaping must be provided (IX.B.b.(1)). The proposed plan should be sub-  
ject to conformance with the Landscape Manual. By reducing the size of theRECEIVED  
MAY 19 1992  
ZONING OFFICE

MAGS/ZAC1

ZAC COMMENTS  
dwelling from 67' to 50', which is still larger than the typical 45' rural ranch-  
er, the minimum setback is closer to being met. The reduction in building length  
would result in providing set backs more typical of the area and more in keeping  
with the Zoning Regulations. The petitioner could also consider building a two  
story colonial which would come closer to meeting the minimum setback standard.The petitioner's site plan shows a building approximately 67' in length which  
necessitates in the request for the variances. The size of the proposed struc-  
ture which is quite generous is creating the need for the variances.Prepared by: Francis Morsey  
Division Chief: Eric McDermott  
FM:rdn

MAGS/ZAC1

Pg. 3

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

## MEMORANDUM

TO: Arnold Jablon  
Director - Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 2, 1992

SUBJECT: Magsamen Property

INFORMATION:  
Item Number: 436

Petitioner: Arthur &amp; Helen Magsamen

Property Size: 1.697

Zoning: RC 5

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:  
This petitioner is requesting a variance to allow a setback of 50' from the  
centerline of Notchcliff Road in lieu of the required 75' and a side yard setback  
of 15' in lieu of the required 50'.After a discussion with the petitioner's engineer on June 2, 1992, the Office of  
Planning and Zoning is amending its comment of May 15, 1992. The petitioner's  
engineer explained the hardship involved with siting the proposed house and has  
reduced the size of the house by 5 feet. Also the proposed house will be situated  
higher than the road and will not be visible so landscaping won't be necessary.

The Office of Planning and Zoning has no comment on this subject property.

Prepared by: Francis MorseyDivision Chief: Eric McDermott

FM:rdn

MAGS/ZAC1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
ARTHUR MAGSAMEN	4 PM BARTON LANE, Towson, MD 21204
HELEN P. MAGSAMEN	" " " " " "
BRUCE E. DRAK - GERHOLD CROSS & ETZEL	320 E. TOWSON TOWN BLVD, Towson, MD 21204

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 Delaware Avenue  
TOWSON, MARYLAND 21204

301-823-4470

TO: ZONING  
ATTN: JIM OGLE

TRANSMITTAL LETTER

NO. OF	ITEM	TITLE
13	BLUEPRINT	PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE
3	"	ZONING MAPS NE 1/4, NE 1/4 & NE 1/4 E
0	"	PARCELS OF PROPERTY
1	"	CHECK FOR '85 (PROCESSING & POSTING FEES)

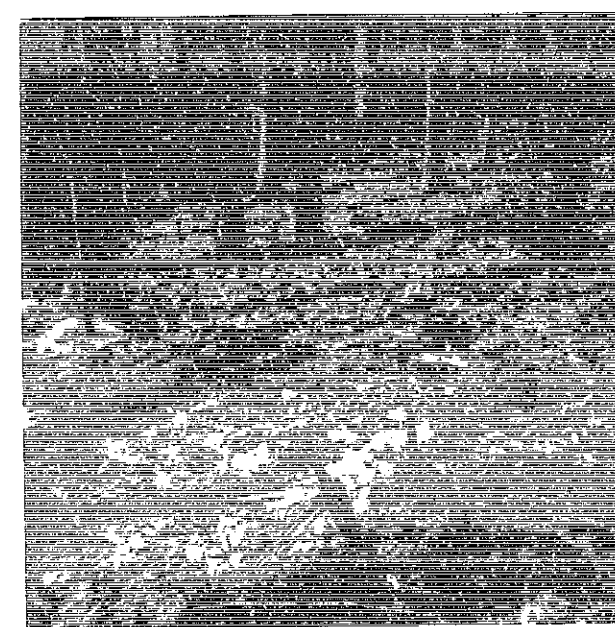
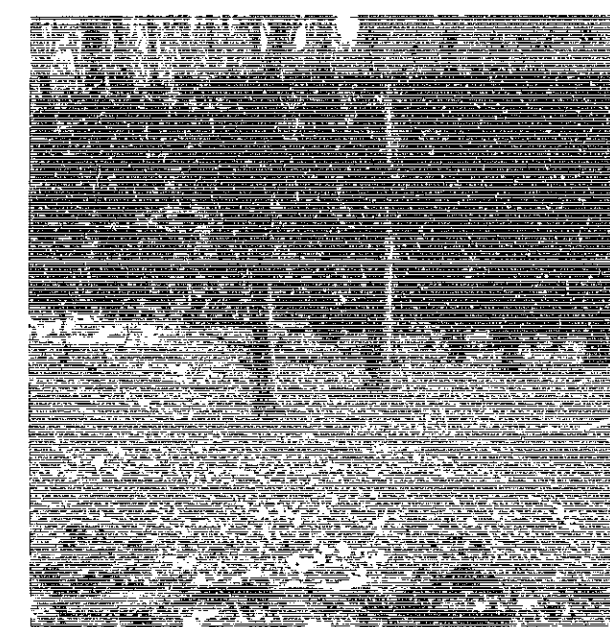
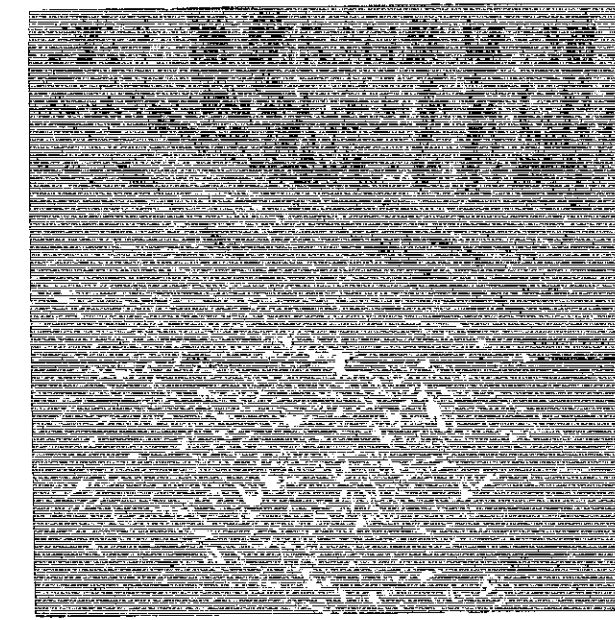
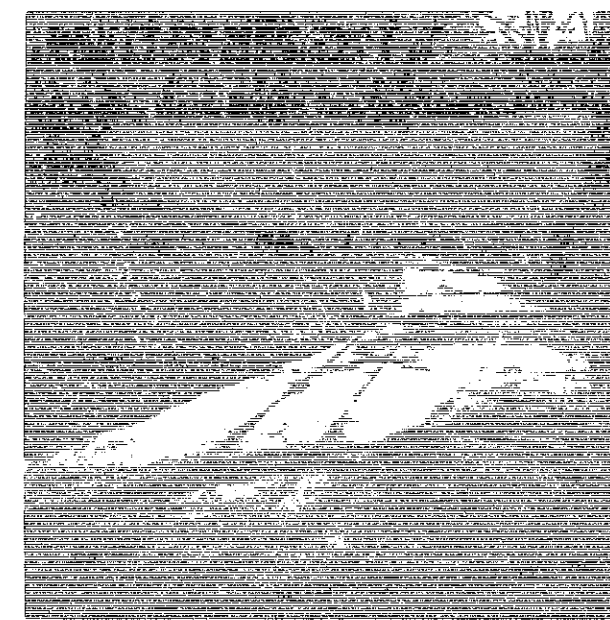
REMARKS

Very truly yours,

Bruce E. Drak



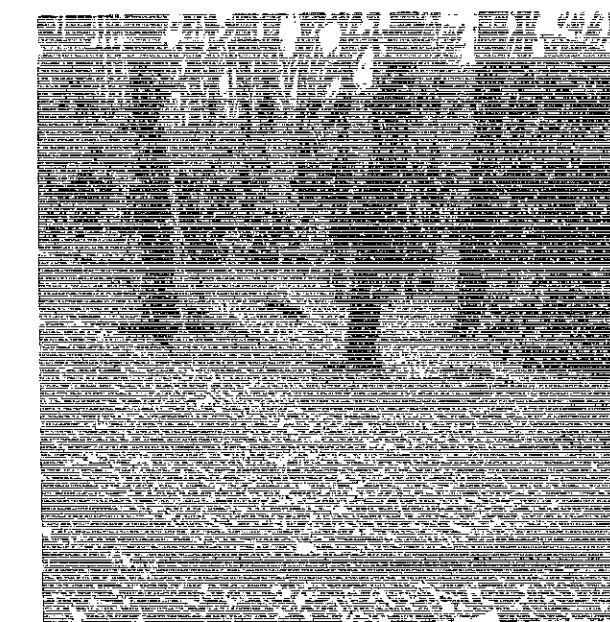
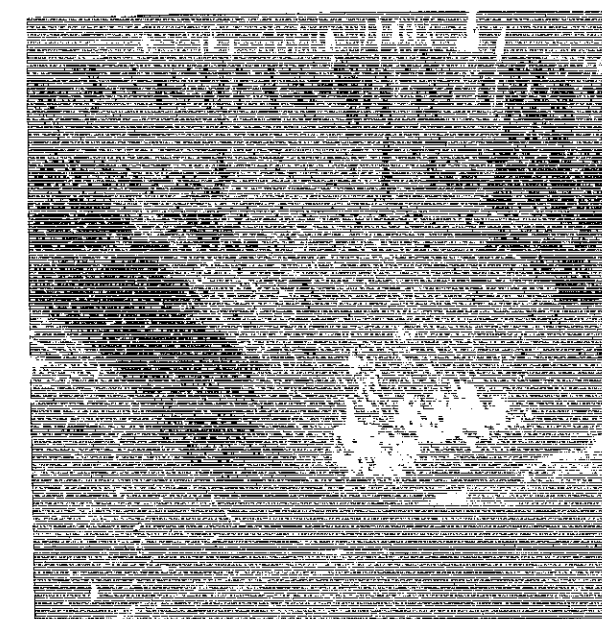
92-416-A



Town

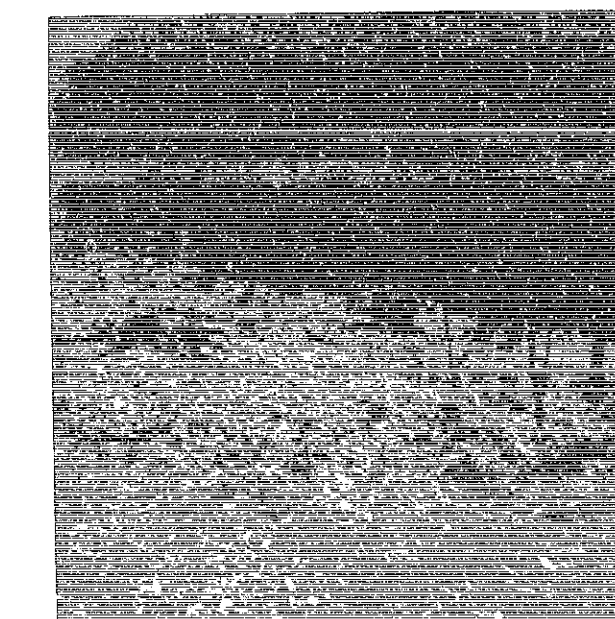
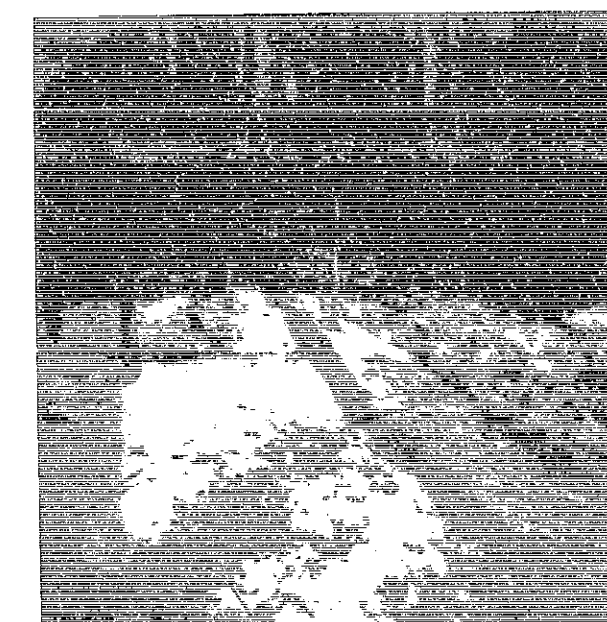
Arm

92-416-A



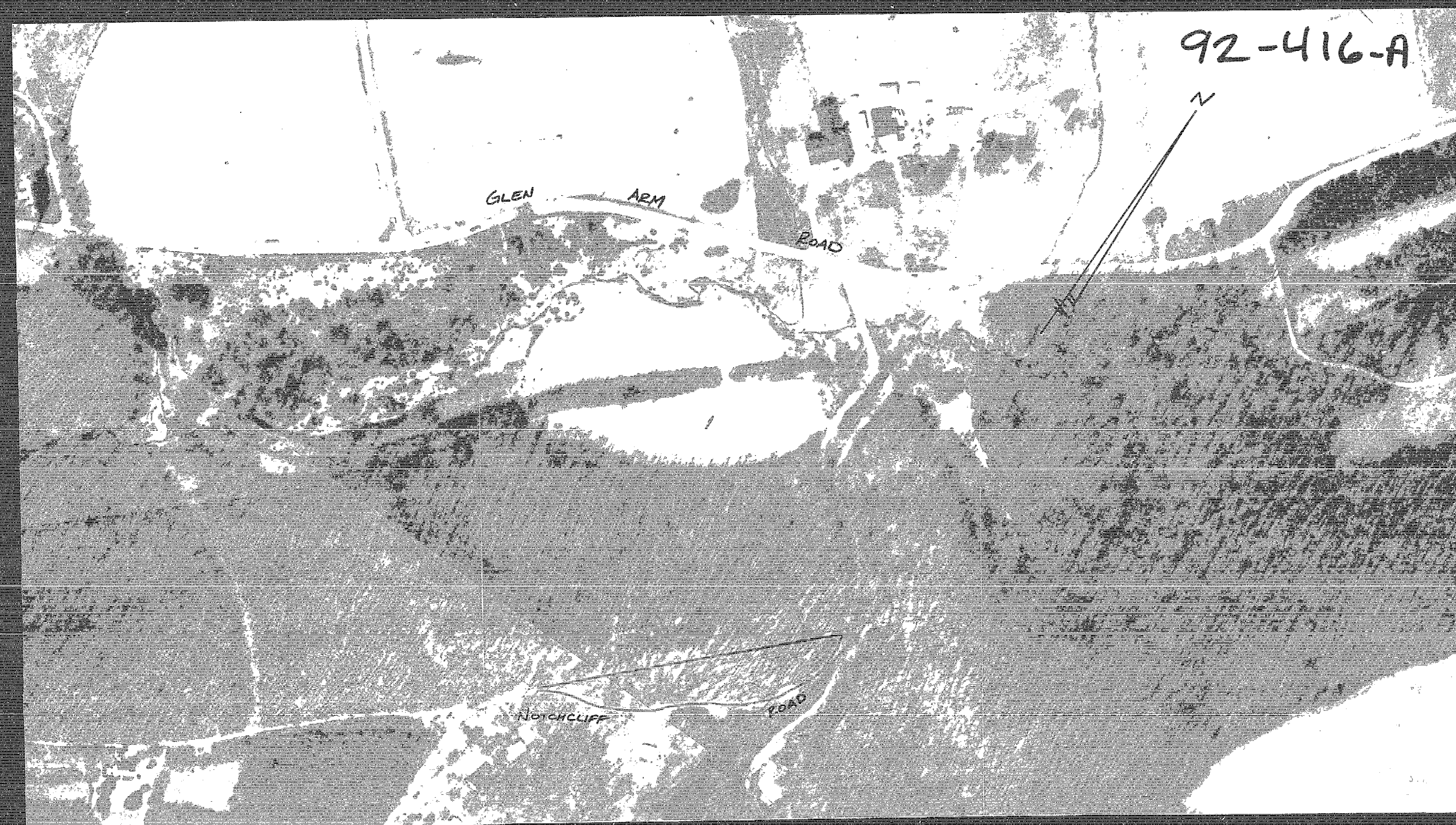
P.

1950

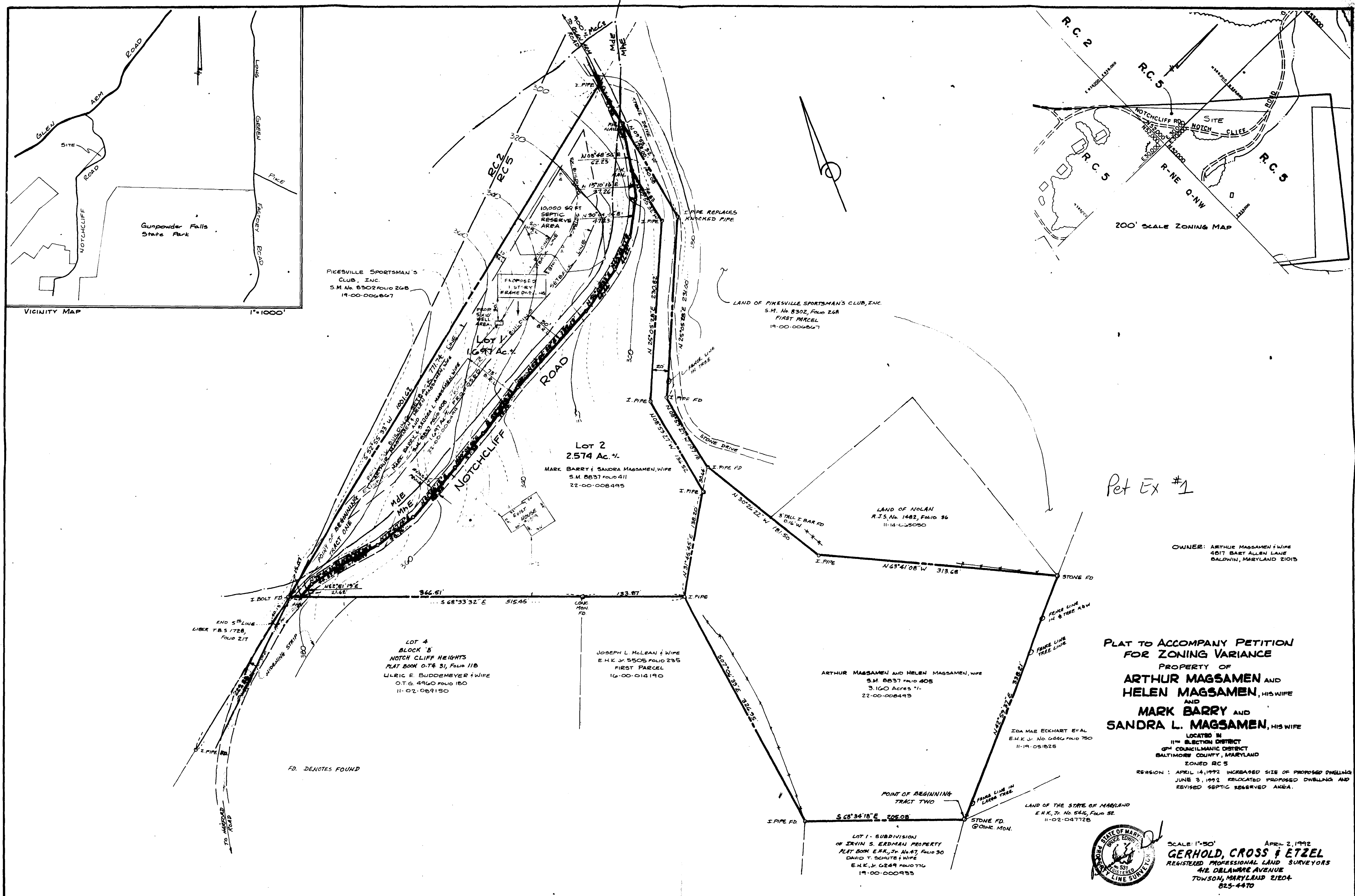


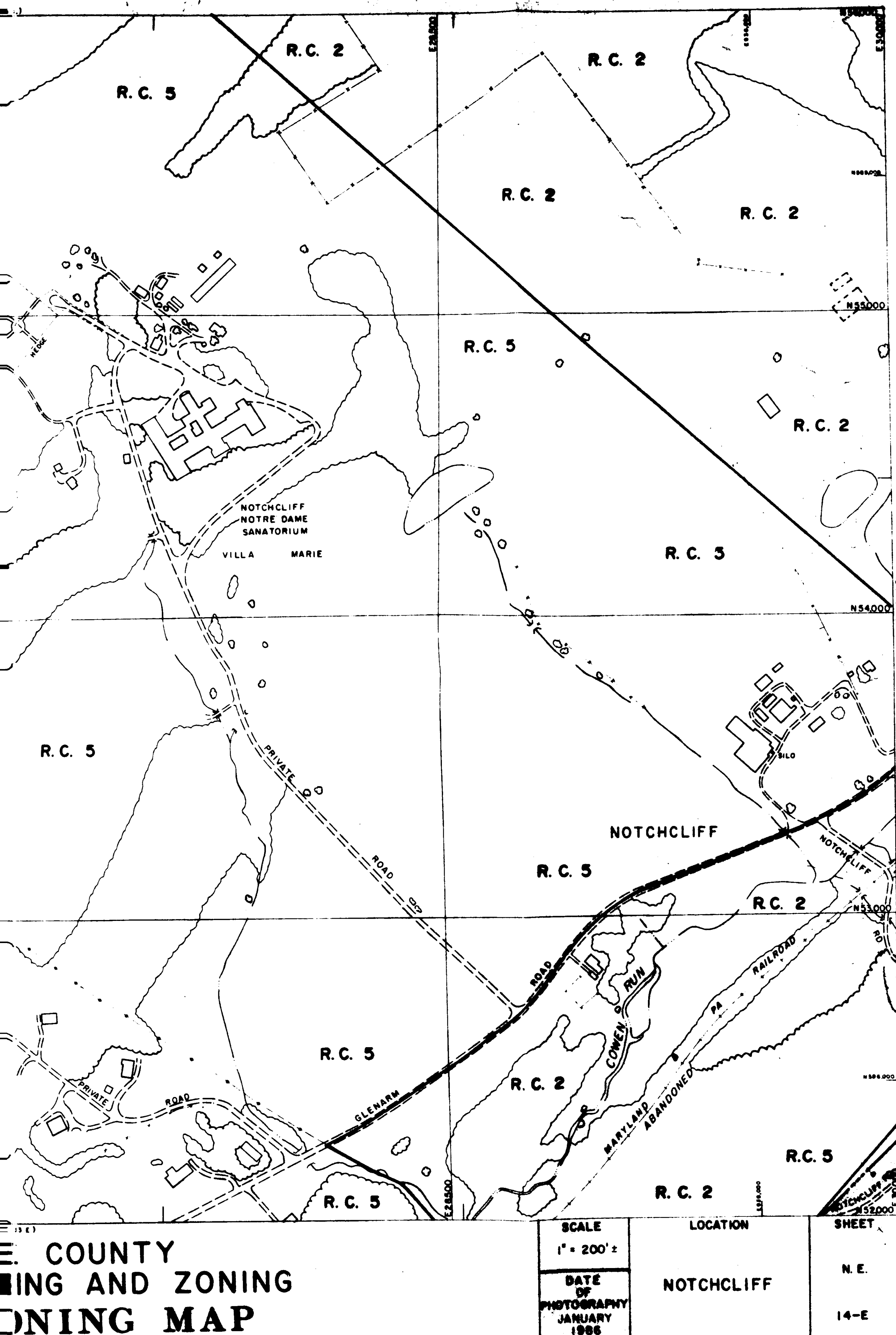
1950

1950

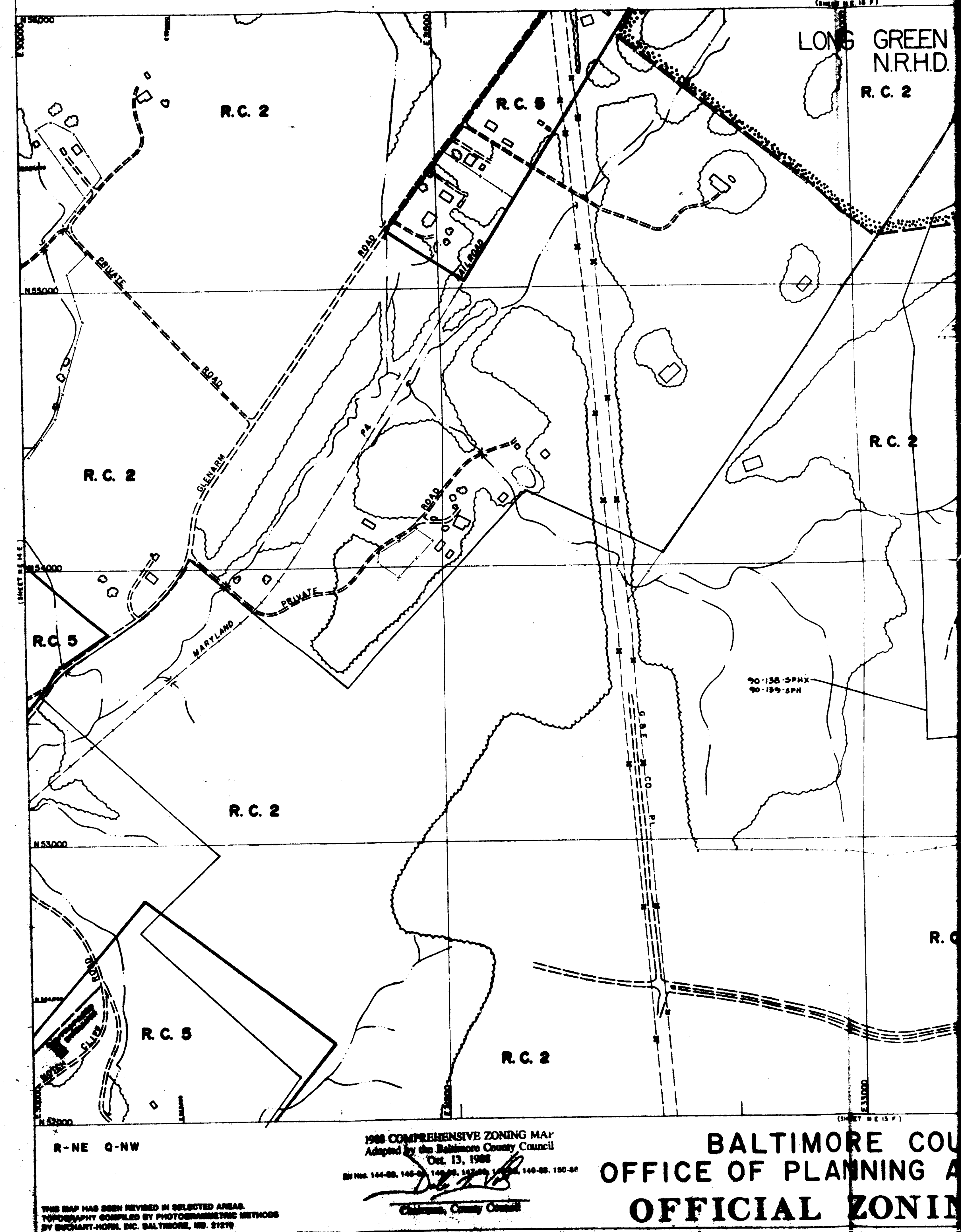








92-416-A



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
November 15, 1994  
(410) 887-3353

Tony Taylor  
P.O. Box 363  
Fulton, MD 20759

RE: Lot #1  
Magsamen Property  
Zoning Case #92-416-A  
11th Election District

Dear Mr. Taylor:

Upon review of zoning case #92-416-A, relative to your inquiry, the following language was noted regarding the specific positioning of the proposed dwelling:

"The Office of Planning also stated that the position of the house with its side facing Notchcliff Road would require landscaping. After a discussion with the Petitioner's engineer, it was agreed that the Petitioners would reduce the size of the proposed dwelling by 5 feet and reposition the house in accordance with Petitioner's exhibit 1. (copy enclosed)

The specific location and orientation of the proposed dwelling were salient issues at this hearing. Consequently, a special hearing will be required to amend the aforementioned order to accommodate the proposed dwelling orientation. I have enclosed the booklet and petition forms for this filing.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

*Joseph C. Merrey*  
Joseph C. Merrey  
Planner I

JCM:scj

Enclosures

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
November 21, 1994  
(410) 887-4386

Mr. Tony Taylor  
P.O. Box 363  
Fulton, Maryland 20759

RE: PETITION FOR VARIANCE  
(Lot 1 of Magsamen Property)  
Case No. 92-416-A

Dear Mr. Taylor:

This letter is in response to your recent inquiry to the Zoning Administration and Development Management (ZADM) office, dated November 7, 1994, and our subsequent meeting on November 17, 1994 as to the propriety of reorienting the proposed dwelling in the above-captioned matter.

As was noted during our meeting, Mr. Joseph Merrey, a Planner with ZADM, advised you that a public hearing would be required to amend the originally approved site plan in that case. After further discussion with ZADM, you were then advised to discuss your proposal with me, inasmuch as I was the hearing officer in that case. At our meeting you advised me that the dwelling you seek to build will not require any additional variances and will remain within the approved building envelope for this site. You have indicated that you merely seek to reorient the proposed dwelling in accordance with the red-lined site plan you submitted, which I have stamped received on November 17, 1994.

After reviewing the case file and the documentation submitted, I am inclined to grant your request. It appears that your proposal to reorient the dwelling in accordance with the red-lined site plan received in this office November 17, 1994 is within the spirit and intent of my prior zoning order. Therefore, by copy of this letter to ZADM, I will recommend approval of your request as it is consistent with my previous order and no variance is needed.

Should you have any further questions on the subject or need additional assistance, please do not hesitate to contact me.

Very truly yours,  
*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs  
cc: Arnold Jablon, Director of ZADM  
Joe Merrey, ZADM  
Case File

Printed with Soybean Ink  
on Recycled Paper

11/24/94 5710-14  
Tony Taylor  
P.O. Box 363  
Fulton, MD 20759  
(301) 490-4063 Home  
(410) 828-5400 Work  
To: Son  
11/24/94  
11/9

November 07, 1994

Arnold Jablon  
Director of Zoning Administration  
and Development Management  
11 West Chesapeake Avenue, RM. 109  
Baltimore, MD 21204

Dear Mr. Jablon,

Kirk Kugelberg suggested that I contact you concerning a zoning issue on a piece of property I am purchasing in Glen Arm. The issue that I request your guidance on is the orientation of the house on the lot. Mr. Kugelberg felt that my request could be better handled through your office and did not require review by his committee.

Enclosed you will find a plat drawing of the property. As you will notice, the orientation of the house is basically on a west-east axis. I would like to be able to reorient the house so that it will better utilize the natural topography of the property. Therefore, my request is to open a building envelope as indicated in red on the drawing.

Reorienting the house will result in a significant reduction of ecological destruction to the property. The building site is located on a severe grade of over 25%. The house is presently oriented perpendicular to this grade, resulting in a severe drop in elevation of approximately 25 feet from the northwest corner of the house to the southeast corner of the house. In order to compensate for this severe change in elevation a significant amount of grading and earth moving will be required. Given the fact that the lot is 100% wooded many old hardwoods and bushes will have to be removed and the resulting destruction of the natural topography will significantly alter the natural landscape and character of the property. I would like to keep the property intact and as natural as possible.

By opening up a building envelope there will be flexibility in orienting the house on an axis which is more parallel to the grade of the property. The result will be a change in elevation of approximately 10 feet from the highest to the lowest point of the house. This will allow the house to be built with a minimal amount of earth moving and grading. There would also be many less trees to remove.

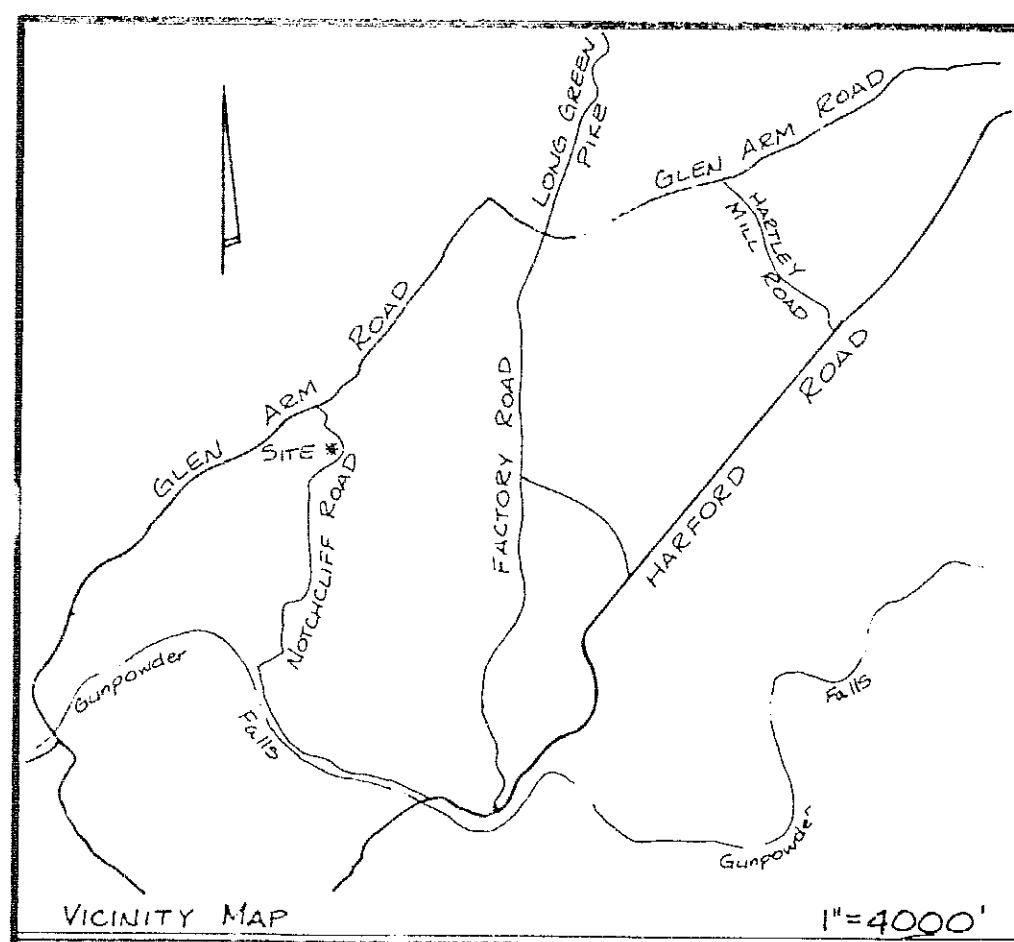
The purchase of this property is contingent on the county's approval of this request. Your approval of this request will allow a home to be built on the property which fits the natural topography and landscape as opposed to having to alter the landscape to fit a house. I have enclosed a check for \$40.00 which I was told was the fee to process this request. Your attention and consideration of this request is greatly appreciated.

Sincerely,

*Tony Taylor*  
Tony Taylor

RECEIVED  
NOV 7 1994  
ZADM

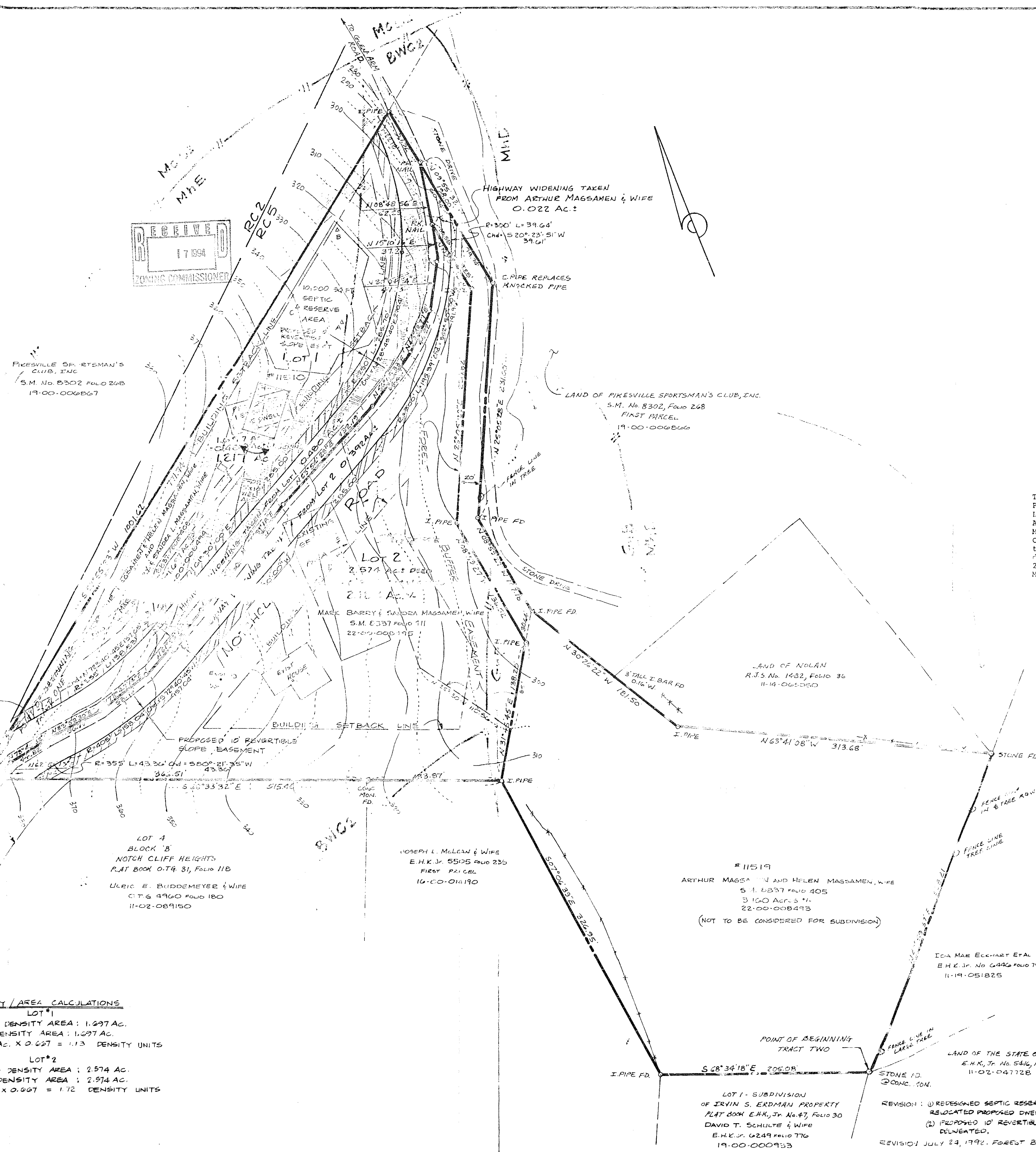




RECEIVED  
AUG 7 1992  
OFFICE OF  
PLANNING & ZONING

BALTIMORE COUNTY MD.  
This is a Minor Subdivision Plan  
1/3 1992. The Plan is Approved  
Plan Approved: [Signature]  
Approval Expires: [Date]  
Plan Disapproved: [ ]  
Continued Min. Revisions: [ ]  
Plan Referred to Plan: [ ]

X-1667



- GENERAL NOTES
1. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
  2. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE ACCURACY OF ANY PRESENT OR FUTURE SURVEY OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF IMPROVING, REPAIRING, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
  3. ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
  4. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENTS, EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
  5. CENSUS TRACT 4112.02 REGIONAL PLANNING DISTRICT 310
  6. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 30 SUBDIVISION 81
  7. ALL EXISTING SEPTIC SYSTEMS, WELLS, AND REGULATION DEEPS WERE FIELD LOCATED.
  8. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS LOCATED ON THE SITE.
  9. SITE IS NOT LOCATED IN THE CRASHPAKE HAZARDOUS WASTE AREA.
  10. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREA.
  11. A VARIANCE OF SETBACK REQUIREMENTS HAS BEEN APPLIED FOR IN THE ZONING OFFICE. VARIANCE GRANTED JUNE 3, 1992, SEE CASE NO. 92-416-A.

LEGEND

STEEL SLOPES 2% MIN.
SOIL DRAINAGE
DEVELOPMENT FOUND

DEVOLUTION OF TITLE

The remainder of the land acquired by John D. Pierson and P. Pierson, his wife, by Deed dated January 3, 1919 and record Liber T.B.S. No. 1728, folio 217 was conveyed as follows: Acres, more or less, to Arthur Maggsamen and wife by a Deed May 31, 1991 and recorded among the Land Records of Baltimore County in Liber S.M. 8837, folio 4; 1.697 Acres, more or less, to Arthur Maggsamen and wife and Mark Barry and wife by a Deed dated May 31, 1991 and recorded in Liber S.M. 8837, folio 4; 2.574 Acres, more or less, to Mark Barry and wife by a Deed May 31, 1991 and recorded in Liber S.M. 8837, folio 411.

MINOR SUBDIVISION PLAN  
ARTHUR MAGSAMEN AND  
HELEN MAGSAMEN, HIS WIFE  
AND  
MARK BARRY AND  
SANDRA L. MAGSAMEN, HIS WIFE

LOCATED IN  
11TH ELECTION DISTRICT  
6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND

ZONED RC 5

OWNER: ARTHUR MAGSAMEN & WIFE  
4017 B. ST. ALLEN LANE  
BALDWIN, MARYLAND 21013

MARK BARRY & SANDRA MAGSAMEN  
11509 NOTCHCLIFF ROAD  
GLEN ARM, MARYLAND 21037

REVISION: 1. REDESIGNED SEPTIC RESERVE AREA AND RELOCATED PROPOSED DWELLING AND WELL AREA.  
HIGHWAY WIDENING ADDED: JUNE 9, 1992  
ADDITION: APRIL 3, 1992  
MARCH 20, 1992

SCALE: 1"=50'  
GERHOLD, CROSS & ETZEL  
REGISTERED PROFESSIONAL LAND SURVEYORS  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204  
823-4470